

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 09-1971

FILED
JUN 08 2009

In re: Merle Richard Schmidt,
on behalf of Jason Lee Schmidt,


CLCP

Petitioner

Appeal from U.S. District Court for the District of South Dakota
(4:08-cv-04209-KES)

JUDGMENT

The petition for writ of mandamus has been considered by the court and is denied for lack of standing. The mandate shall issue forthwith.

May 29, 2009

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans